

STATE OF MICHIGAN
COURT OF APPEALS

JOANNE K. RANGLES,
Plaintiff-Appellee,

v

CARL A. RANGLES, III,
Defendant-Appellant.

UNPUBLISHED
September 11, 2007

No. 269593
Kalamazoo Circuit Court
LC No. 04-007164-DM

Before: Cavanagh, P.J., and Donofrio and Servitto, JJ.

PER CURIAM.

Defendant appeals as of right a judgment of divorce in which the trial court ordered that plaintiff and defendant were individually liable for the credit card debt accrued in their own names during the course of their marriage. We affirm.

Plaintiff Joanne Randles and defendant Carl Randles married in 1983. In October 2004, plaintiff filed a complaint for divorce. Following a bench trial, the trial court awarded 52 percent of the marital property to plaintiff and 48 percent of the marital property to defendant. The trial court additionally ordered that plaintiff and defendant “shall be responsible for their own debts and hold the other party harmless.”

Defendant argues that the dispositional ruling was not fair and equitable. We disagree.

On appeal, findings of fact will only be reversed if they are clearly erroneous. *Draggoo v Draggoo*, 223 Mich App 415, 429; 566 NW2d 642 (1997). A finding is clearly erroneous if “this Court is left with the definite and firm conviction that a mistake has been made.” *Reed v Reed*, 265 Mich App 131, 150; 693 NW2d 825 (2005). If the trial court’s findings of fact are upheld, this Court must then decide “whether the dispositional ruling was fair and equitable in light of those facts.” *Id.* “The trial court’s dispositional ruling is discretionary and will be affirmed unless this Court is left with the firm conviction that it was inequitable.” *Id.*

In dividing marital assets, the court’s goal is to divide the property equitably in light of all of the circumstances. *McNamara v Horner*, 249 Mich App 177, 188; 642 NW2d 385 (2002). “[A]n equitable distribution of marital assets means that they will be roughly congruent.” *Id.* In dividing the marital property, the trial court should consider the duration of the marriage, the contribution of each party to the marital estate, each party’s earning ability, each party’s age, health, fault or past misconduct, life status of the parties, necessities and circumstances of the

parties, and general principles of equity. *Sparks v Sparks*, 440 Mich 141, 159-160; 485 NW2d 893 (1992).

At the time of trial, plaintiff's credit card debt was \$7,600 and defendant's credit card debt was approximately \$9,908.50. We find that the credit card debt at issue was marital debt, subject to distribution between the parties. And, we note that, if defendant's credit card debt was considered marital debt subject to division by the trial court, plaintiff's credit card debt also would have been considered marital debt subject to division.

Defendant argues that the trial court erred in ordering him to pay 100 percent of his credit card debt. He asserts, in his brief on appeal, that the trial court should have ordered him to pay 52 percent of his credit card debt and ordered plaintiff to pay 48 percent of his credit card debt. Such a distribution would be in keeping with the overall distribution of the marital estate.

While defendant's argument is sound, it fails to take into account plaintiff's credit card debt. Because all of the credit card debt was marital, if defendant was responsible to pay 52 percent of the total, he would have had to pay \$9,104.42 (52 percent of \$17,508.50). The difference between the amount of debt that the trial court ordered defendant to pay, and the amount for which he would be liable if the credit card debt had been formally deemed marital debt and divided as defendant argues, is \$804.08. On the record before us, we cannot find that the dispositional ruling was unfair or inequitable. It is well established that the division of the marital estate need not be mathematically equal. *McNamara, supra* at 188. The trial court's decision to make defendant liable for a larger portion of the credit card debt by making each party responsible for his own debt was consistent with the trial court's intent to award a slightly larger portion of the marital estate to plaintiff. Furthermore, even in light of the trial court's decision regarding the credit card debt, the overall property distribution was roughly congruent. *Id.* at 183. We are not left with the firm conviction that the dispositional ruling in this case was inequitable. Thus, we must affirm the judgment of divorce. *Reed, supra* at 150.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Pat M. Donofrio
/s/ Deborah A. Servitto